

Y Gwir Anrhydeddus Mark Drakeford AS

Prif Weinidog Cymru

2 Tachwedd 2021

Annwyl Mark

Cytundeb cysylltiadau rhyng-sefydliadol

Wedi i ni gyfnewid gohebiaeth ym mis Gorffennaf eleni¹, lle gwnaethoch chi gytuno y byddai eich swyddogion yn gweithio gyda fy Nghlercod Pwyllgor i nodi a thrafod newidiadau a gwelliannau i'r Cytundeb Cysylltiadau Rhyng-sefydliadol y cytunwyd arno yn y Bumed Senedd, mae fersiwn y cymeradwyodd fy Mhwyllgor ddydd Llun yr wythnos hon wedi'i hamgau i chi ei hystyried.

Yn ogystal â'r fersiwn ddiwygiedig o'r Cytundeb, byddwn yn ddiolchgar pe byddech hefyd yn ystyried sut y gall Gweinidogion Cymru hysbysu'r Senedd pryd y maent yn bwriadu rhoi cydsyniad i Lywodraeth y DU arfer pŵer deddfwriaethol dirprwyedig mewn maes datganoledig mewn perthynas â Chymru, neu wedi rhoi cydsyniad o'r fath.

Cyn cloi, hoffwn ddiolch ichi am eich ymrwymiad i barhau i weithredu'n unol â Chytundeb y Bumed Senedd tra bod trafodaethau'n cael eu cynnal am y fersiwn ddiwygiedig at ddiben y Chweched Senedd. Wrth wneud hynny, byddwn yn nodi ein bod yn ymwybodol bod rhai cyfarfodydd gweinidogol rhyng-lywodraethol wedi cael eu cynnal yn ystod y misoedd diwethaf a fyddai'n dod o fewn cwrpas y Cytundeb cyfredol, na chafodd y Pwyllgor unrhyw hysbysiad ffurfiol amdanynt. Rydym yn cydnabod y gallai cyfarfodydd perthnasol at ddibenion y Cytundeb fod wedi'u trefnu ar fyr rybudd. Fodd bynnag, o ystyried pa mor bwysig yw hi bod y Senedd yn derbyn gwybodaeth amserol a llawn am gyfarfodydd o'r fath, byddwn yn monitro'r sefyllfa hon o dan delerau'r Cytundeb newydd.

¹ Gweler [Llythyr gan y Cadeirydd at y Prif Weinidog](#), 16 Gorffennaf 2021, a [Llythyr gan y Prif Weinidog at y Cadeirydd](#), 27 Gorffennaf 2021



Rwy'n edrych ymlaen at glywed gennych cyn gynted ag sy'n rhesymol ymarferol, a hynny er mwyn i fy Mhwyllgor osod y Cytundeb newydd gerbron y Senedd a threfnu dadl yn y Cyfarfod Llawn cyn gynted â phosibl.

Yn gywir

Huw Irranca-Davies

Huw Irranca-Davies

Cadeirydd

Amgaeedig – Cytundeb drafft Cysylltiadau Rhyng-sefydliadol y Chweched Senedd rhwng y Senedd a Llywodraeth Cymru



Inter-Institutional Relations Agreement between Senedd Cymru and the Welsh Government

Purpose of the Agreement

1. This Agreement represents the agreed position of Senedd Cymru (the “Senedd”) and the Welsh Government on the information that the Welsh Government will provide to the Senedd with regard to its participation in formal, ministerial-level inter-governmental meetings, agreements, concordats, and memorandums of understanding.
2. In reaching this Agreement, the Welsh Government recognises the Senedd’s primary purpose of scrutinising the activity of the Welsh Government within formal Intergovernmental Structures. The Senedd also recognises and respects the need for confidential intergovernmental discussion between the administrations within the United Kingdom, for example, in situations where negotiations on particular issues are taking place.
3. This Agreement recognises the increased complexity of the devolution settlement and the implications this has for appropriate discussions between the Welsh and UK Governments. As a consequence, it further recognises that the interdependence between devolved and reserved competences will be managed mainly in inter-governmental relations. This Agreement seeks to ensure that the principles of the Welsh Government’s accountability to the Senedd and transparency with regard to these relationships are built into the revised intergovernmental mechanisms.
4. This Agreement establishes three principles which will govern the relationship between the Senedd and the Welsh Government with regard to inter-governmental relations. These are:
 - Transparency
 - Accountability



- Respect for, and recognition of, the part confidential discussions play between governments, particularly when developing policy.

Scope of this Agreement

5. This Agreement applies to the participation of the Welsh Ministers in formal, Intergovernmental Structures.
6. For the purposes of paragraph 5:
 - a. 'Intergovernmental Structures' include, but are not limited to:
 - the Joint Ministerial Committee (in all its current functional formats and as reformed or superseded in future);
 - the British Irish Council; and
 - other relevant standing or ad-hoc multilateral and bilateral inter-ministerial forums of similar standing that exist or as may be established.
 - b. 'Participation' includes, but is not limited to, discussions, meetings, correspondence and agreements in connection with an Intergovernmental Structure.
7. This Agreement does not cover other engagement between the governments, although the Annual Report (referred to in paragraph 18) will comment upon the range and scale of such activity.
8. This Agreement is intended to support the Senedd's capacity to scrutinise Welsh Government activity and to hold the Welsh Ministers to account in the intergovernmental arena only. The Agreement in no way places obligations on other governments and legislatures involved with inter-governmental relations and the groups and agreements described here. In line with the principle of respect for the confidentiality of discussions between administrations, the Agreement recognises that the release of details of discussions directly involving intergovernmental partners is subject to their consent.

Welsh Government attendance at meetings

9. The Welsh Government agrees to provide to the Legislation, Justice and Constitution ("LJC") Committee and any other relevant Senedd committee, as far as practicable, advance written notice at least one month prior to a relevant Intergovernmental Structure meeting (a "Relevant Meeting").

- 10.** If a Relevant Meeting is arranged on less than one month's notice, the Welsh Government shall use reasonable endeavours to provide written notice as soon as practicable and, in any event, in advance of such Relevant Meeting.
- 11.** Advance written notice given by the Welsh Government under paragraphs 9 and 10 will contain the Relevant Meeting's proposed agenda and a broad outline of key issues to be discussed, with recognition that agenda items may, from time to time, be marked as "private" in recognition of the need for confidentiality.
- 12.** Advanced notice of Relevant Meetings will enable the Committee(s) to express a view on the topic and, if appropriate, to invite the Minister responsible to attend a committee meeting in advance of the Relevant Meeting.
- 13.** After each Relevant Meeting within the scope of this Agreement, the Welsh Government will provide the LJC Committee and any other relevant committee of the Senedd with a written summary of the issues discussed at the meeting as soon as practicable and, as far as possible, within two weeks.
- 14.** Subject to confidentiality considerations, a written summary under paragraph 13 will include:

 - Information confirming when the meeting took place,
 - a list of meeting attendees,
 - an indication of the key issues and of the content of discussions,
 - an outline of the positions advanced by the Welsh Government, and
 - any joint statement released after the meeting.
- 15.** The Welsh Government also agrees to provide to the LJC Committee and any other relevant committee of the Senedd the text of any multilateral or bilateral intergovernmental agreements, common frameworks, concordats, and memorandums of understanding or other resolutions within the scope of this Agreement.
- 16.** Where the Welsh Government intends to establish new arrangements with the aim of reaching an intergovernmental agreement the Welsh Government will provide advance notice to the LJC committee of its intention to do so.

Maintenance of records

- 17.** The Welsh Government will maintain a dedicated page of its website providing all relevant formal intergovernmental agreements, common frameworks, concordats, memorandums or other resolutions that the Welsh Government has in place with the UK Government. The text of any such documents should also be included, with information about the date of agreement, any updates made and whether the documents remain in force.

Annual Report

- 18.** The Welsh Government will prepare an Annual Report on intergovernmental relations (“IGR Report”).
- 19.** The IGR Report will be laid before the Senedd and submitted to the LJC Committee. The IGR Report will summarise the key outputs from activity that is subject to the provisions of this Agreement, including any reports issued by a relevant Intergovernmental Structure. It will also comment upon the range of broader intergovernmental relations work undertaken during the year, including dispute resolution. That report will also provide as much information as is practicable and appropriate of issues expected to emerge in the year that follows.

Appearances before committees

- 20.** The Welsh Ministers will attend, as appropriate, meetings of the relevant committee of the Senedd when invited.

Monitoring

- 21.** The lead committee for monitoring the implementation of this Agreement is the LJC Committee.

November 2021